

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

	X	
	)	
GENOA COLOR TECHNOLOGIES, LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No. 07-CIV-6233 (PKC)
MITSUBISHI ELECTRIC CORP.; MITSUBISHI	)	
ELECTRIC US HOLDINGS, INC.; MITSUBISHI	)	
ELECTRIC AND ELECTRONICS USA, INC.;	)	
MITSUBISHI DIGITAL ELECTRONICS	)	
AMERICA, INC.; SAMSUNG ELECTRONICS CO.,	)	
LTD.; SAMSUNG ELECTRONICS AMERICA,	)	
INC.,	)	
	)	
Defendants.	)	
	X	

**SUPPLEMENTAL DECLARATION OF JAMES F. SHANLEY, PH.D., IN SUPPORT OF  
THE SAMSUNG DEFENDANTS' CLAIM CONSTRUCTION SUR-REPLY BRIEF**

I, James F. Shanley, hereby declare as follows:

**I. INTRODUCTION**

1. I have been retained by counsel for Defendants in the above-captioned action. I make this declaration in support of the Samsung Defendants' Claim Construction Sur-Reply Brief.

2. I have been asked to provide my opinion regarding certain points raised in the Plaintiff's Reply Claim Construction Brief and Supplemental Declaration of Louis D. Silverstein, each submitted on May 30, 2008. The opinions below are entirely my own and reflect my independent and expert judgment.

## II. CLAIM TERMS TO BE CONSTRUED

### A. “converting”

3. On page 7 of his Supplemental Declaration, Dr. Silverstein states that look-up tables and interpolation are embodiments in U.S. Patent No. 7,113,152 (“’152 patent”) for performing RGB to multi-primary color transformation. However, the use of a look-up table is not in and of itself a methodology for performing RGB to multi-primary color transformation. Instead, look-up tables can be utilized as a post-conversion implementation tool to display the *results* of a color transformation. See U.S. Patent No. 6,262,744 at col. 18, ll. 38-50; Masahiro Yamaguchi, *Multiprimary Color Display Using Holographic Optical Element*, published in 1998. Similarly, interpolation is a well-known mathematical technique that can be used in conjunction with color transformation, but is not in and of itself a methodology for performing RGB to multi-primary color transformation. See Takeyuki Ajito et al., *Expanded Color Gamut Reproduced by Six-Primary Projection Display*, Projection Displays 2000: Sixth in a Series, SPIE—The International Society for Optical Engineering. Therefore, I disagree with Dr. Silverstein that look-up tables and interpolation are methods of “converting.”

4. Genoa’s expert, Dr. Silverstein, also looks to the discussion of “spectral analysis” in the ’152 patent and argues that it is relevant to understanding the “converting” method described in claims 8-10 of the ’152 patent. In my opinion, a person of ordinary skill in the art at the time of the alleged invention would not understand the “converting” referred to in claims 8-10, which is the term I have been asked to opine upon, as being directed to spectral analysis.

5. First, the specification of the ’152 patent describes a purported invention of a method of converting by partitioning the color gamut. Dr. Silverstein opines in his Supplemental Declaration that it is this partitioning method, as opposed to spectral analysis, that he believes “was novel at the time of invention for the ’152 patent.” I understand that whether this partitioning method was, in fact, novel will be the subject of later proceedings in this case. But with respect to what is meant by “converting” in claims 8-10 of the ’152 patent, a person of ordinary skill in the art would understand this term to refer to the partitioning method that the inventors of the ’152 patent purport to have invented, and not to spectral analysis.

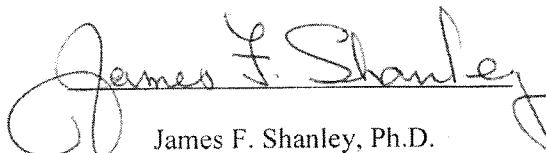
6. Second, a person of ordinary skill in the art, in reading claims 8-10 in the context of the entire patent, would not understand “converting” to be directed to spectral analysis because the patent’s claims are all predicated upon using a single, unchanging light source that can be used to display a broad variety of color images, such as images from DVDs, videotapes, and live television events. Moreover, claims 8-10 require “converting three-color data representing said color image in terms of three colors into converted image data representing said color image in terms of said at least four different colors.” Spectral analysis, however, is a specialized, cumbersome process for determining which primary colors to use on a color wheel based upon a particular film-based image, and would not be useful in carrying out a method predicated upon a single, unchanging light source that is used to display a broad variety of color images, such as the one claimed in the ’152 patent, or in converting from three to four or more colors.

7. Thus, the Samsung Defendants’ proposed definition of “converting” as “partitioning the color gamut to transform” is consistent with what a skilled artisan would understand the term to mean after reading the patent’s claims, specification, and prosecution history.

8. I have reviewed the Supplemental Declaration of Genoa’s expert, Dr. Silverstein, and I find no credible basis in that document to support Genoa’s definition of “converting” or Genoa’s definitions for the remainder of claim 8 of the ’152 patent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of June, 2008.

  
James F. Shanley, Ph.D.